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Attorney's Docket: 2003DE403
Application Number 10/765,317
Filed 01/26/2004
Response to Office Action dated 12/29/2004

REMARKS

The Office Action mailed October 1, 2004 has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. Accordingly, reconsideration of the present Application in view of the following remarks is respectfully requested.

Applicant has amended the Application to attend to housekeeping matters and to more clearly describe the invention. Claim 1 was amended to amend the "consisting essentially of" language to recite "consists of" and to incorporate the recitation of claims 2, 4 and 13 into claim 1. Support for the amendment may be found in originally filed claims 1, 2, and 13, and paragraph [00040] of Applicant's Specification. It is believed that no new matter is introduced by these amendments.

Applicant's invention relates to a particular formulation of an aqueous liquid detergent dispersion. Applicant discovered that a combination of ingredients which include 5 to 35 weight percent of a secondary alkylsulfonate and from 0.1% to 10% by weight of a quaternary alkylhydroxyethylammonium salt selected from the group consisting of C₁₂-C₁₄-alkyldimethylhydroxyethylammonium chloride, C₁₂-C₁₄-alkyldimethylhydroxyethylammonium methosulfate, and mixtures thereof provides the resulting composition with improved phase stability and detergency over similar compositions without this particular group of quaternary ammonium compounds.

Applicant's liquid detergent dispersion consists of

5% by weight to 35% by weight of anionic surfactant consisting of a secondary alkanesulfonate;

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10% by weight to 50% by weight of builders;

0% by weight to 10% by weight of electrolytes;

0.1% by weight to 10% by weight of a quaternary alkylhydroxyethylammonium salt selected from the group consisting of C₁₂-C₁₄-alkyldimethylhydroxyethyl-ammonium chloride, C₁₂-C₁₄-alkyldimethylhydroxyethylammonium methosulfate, and mixtures thereof; and

customary auxiliaries and additives selected from the group consisting of bleach activators, bleach catalysts, optical brighteners, graying inhibitors, color transfer inhibitors, solubility promoters, hydrotropes, thickeners, preservatives, fragrances and dyes, pearlizing agents, foam inhibitors, sequesterants, corrosion inhibitors, antioxidants, and mixtures thereof, where the % by weight ratio of anionic surfactant to quaternary alkylhydroxyethylammonium salt is 50:1 to 2:1.

Claims 1, and 4-13 were rejected under 35 USC 102(b) as being anticipated by Flower (EP 405,967). The rejection of claim 1, as amended, under 35 USC 102(b) as being anticipated by Flower (EP 405,967) should be withdrawn for the reason that Flower does not disclose aqueous liquid detergents which contain 5 to 35 weight percent of an anionic surfactant consisting of sec-alkanesulfonate. It is fundamental that all elements of a claim must be found united in the same way to perform the identical function for a reference to establish anticipation. Unless all of the same elements are found in exactly the same situation and united in the same way to perform the identical function in a single prior art reference, there is no anticipation.

Therefore the rejection of claim 1, as amended, under 35 USC 102(b) as being anticipated by Flower (EP 405,967) should be withdrawn. The rejection of claims 3,

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and 5-12, as amended, under 35 USC 102(b) as being anticipated by Flower (EP-405,967) should be withdrawn for the reasons given in support of claim 1 from which they depend.

Claims 1, and 4-13 were rejected under 35 USC 102(b) as being anticipated by Lappas et al. (US 6,017,874). The rejection of claim 1, as amended, under 35 USC 102(b) as being anticipated by Lappas et al. (US 6,017,874) should be withdrawn for the reason that Lappas et al. (US 6,017,874) does not disclose aqueous liquid detergents which contain the quaternary ammonium compounds of Applicant's invention. In Formula (1) of Lappas et al., the R1 is defined to be alkyl or alkylamidoalkyl. In Applicant's invention, the formula for the quaternary ammonium compound is A-(OA)_n-OH, thus, the terminal atom is hydrogen. In Lappas et al. the terminal hydrogen is replaced by alkyl or alkylamidoalkyl. It is fundamental that all elements of a claim must be found united in the same way to perform the identical function for a reference to establish anticipation. Unless all of the same elements are found in exactly the same situation and united in the same way to perform the identical function in a single prior art reference, there is no anticipation. Therefore the rejection of claim 1, as amended, under 35 USC 102(b) as being anticipated by Lappas et al. should be withdrawn. The rejection of claims 3, and 5-12, as amended, under 35 USC 102(b) as being anticipated by Lappas et al. should be withdrawn for the reasons given in support of claim 1 from which they depend.

Claims 1, and 4-13 were rejected under 35 USC 102(b) as being anticipated by Lykke (US 6,242,405). The rejection of claim 1, as amended, under 35 USC 102(b) as being anticipated by Lykke (US 6,242,405) should be withdrawn for the

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reason that Lykke (US 6,242,405) requires the presence of an encapsulated enzyme dispersed in a liquid detergent. Lykke is directed to solving the problem of retaining the activity of an enzyme dispersed in a concentrated form of a liquid detergent and solves this problem by encapsulating the enzyme in a polymer shell suspended in the liquid phase. Applicant's claim 1 as amended can have no such coated enzyme particle. Further, the example B in column 30 must be read in the context of the statement at line 40 of column 30 which recites that the composition is in accordance with the invention [of Lykke], meaning that the composition also contains the polymer coated enzyme. It is fundamental that all elements of a claim must be found united in the same way to perform the identical function for a reference to establish anticipation. Unless all of the same elements are found in exactly the same situation and united in the same way to perform the identical function in a single prior art reference, there is no anticipation. Therefore the rejection of claim 1, as amended, under 35 USC 102(b) as being anticipated by Lykke (US 6,242,405) should be withdrawn. The rejection of claims 3, and 5-12, as amended, under 35 USC 102(b) as being anticipated by Lykke (US 6,242,405) should be withdrawn for the reasons given in support of claim 1 from which they depend.

Claims 1-13 were rejected under 35 USC 103(a) as being unpatentable over Lappas et al. (US 6,017,874) or Lykke et al. (US 6,242,405). As discussed hereinabove, the Lappas et al. patent discloses a different quaternary ammonium compound which contains an alkyl or alkylamidoalkyl terminal group and the Lykke et al. reference requires the presence of a coated enzyme particle. No one skilled in the art would be motivated by either reference taken separately or together to modify the

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quaternary ammonium compound of Lappas et al. or to remove the coated enzyme particle of Lykke to obtain Applicant's invention, which it is acknowledged also contains secondary alkanesulfonates as anionic surfactants as now claimed. Therefore, the rejection of claim 1 as amended as being unpatentable over Lappas et al. (US 6,017,874) or Lykke et al. (US 6,242,405) for the reason that each reference taken independently teaches away from the present invention. The rejection of claims 3, and 5-12, as amended, under 35 USC 103(a) as being unpatentable over Lappas et al. (US 6,017,874) or Lykke et al. (US 6,242,405) should be withdrawn for the reasons given in support of claim 1 from which they depend.

It is respectfully submitted that, in view of the above remarks, the rejections under 35 U.S.C. §102 and §103 should be withdrawn and that this application is in a condition for an allowance of all pending claims. Accordingly, favorable reconsideration and an allowance of all pending claims are courteously solicited.

An early and favorable action on the merits is respectfully requested.

Respectfully submitted,



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